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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,862	12/05/2003	Todd D. Wakefield	5141	8496
64100 7590 02/05/2007 DANIEL P. MCCARTHY P.O. BOX 71550 SALT LAKE CITY, UT 84171-0550			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 02/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,862

Applicant(s)

WAKEFIELD ET AL.

Examiner

Sathyanarayan Pannala

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on 11/19/2006 has been entered with amended claims 1-16. In this Office Action, claims 1-16 are pending.

Specification

2. Summary of the invention is objected because it is same as the Abstract. A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-16 are rejected under the judicially created doctrine of provisional-type double patenting as being unpatentable over claims 1-32 of USPA Pub. 2004/0167886 A1 (Wakefield et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other because it is well settled that omission of elements and their functioning is obvious expedient if the remaining elements perform the same function as before. See *In re Karlson* 136 USPQ 184 (CCPA 1963).

6. The following table shows the claims in the application 10/729862 that are rejected by the corresponding claims in the USPA Publication.

Claims Comparison Table	
10/729862	USPA Pub. No. 2004/0167886 A1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	11
11	12
12	13
13	14
14	15
15	16
16	17

7. Claims 1-16 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-32 of copending Application No. 10/7299878 (or USPA Pub. No. 2004/0167886 A1). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-16 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemus (USPA Pub 2002/0156817A1) hereinafter Lemus, and in view of Friedman (US Patent 6,182,029) hereinafter Friedman.

12. As per independent claim 1, Lemus teaches a system and method for receiving information in semi-structured or unstructured form from emails, pagers, and other communication methods, and converting that information into a structured form that can be usable in a database (page 1, paragraph [0013]). Lemus teaches the claimed,

accessing a source of unstructured data, the unstructured data including free text (Fig. 2, page 3, paragraph [0061]). Lemus teaches the claimed, identifying text records within the free text (Fig. 2, page 3, paragraph [0061]). Lemus teaches the claimed, producing a structured data element containing the filtered set of extractions (Fig. 2, page 3, paragraph [0063]).

Lemus does not explicitly teach using a parser. However, Friedman teaches the claimed, parsing the identified text records at the clause or sentence level (Fig.1, col. 6, lines 46). Friedman teaches the claimed, identifying roles within the parsed text records, said identifying producing multi-dimensional attribute extractions, each of said attribute extractions containing attribute information of the derived source text, and said multi-dimensional attribute extractions yields at least two attributes for each extraction (Fig. 1, col. 6, lines 46-56). Friedman teaches the claimed, applying case frames to the attribute extractions, said applying case frames producing a filtered set of attribute extractions (Fig. 1, col. 6, lines 57-62).

Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Friedman's teachings would have allowed Lemus' method to provide a natural language processing techniques that provide structured data output that can be used for a variety of different applications across a variety of different computing platforms (col. 4, lines 40-43).

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13. As per dependent claim 2, Lemus teaches the claimed, the step of identifying domains of the filtered set of attribute extractions (Fig. 2, page 4, paragraph [0065]).

14. As per dependent claim 3, Lemus teaches the claimed, the step of assigning domain roles (Fig. 2, page 4, paragraph [0066]).

15. As per dependent claim 4, Lemus teaches the claimed, the step of producing relation types (Fig. 2, page 4, paragraph [0073]).

16. As per dependent to claim 5, Lemus teaches the claimed, the step of coalescing the produced relation types (Fig. 2, page 4, paragraph [0073]).

17. As per dependent claim 6, Lemus teaches the claimed, the step of creating a new database containing the structured data element produced in said producing (Fig. 2, page 4, paragraph [0074]).

18. As per dependent claim 7, Lemus teaches the claimed, the step of producing a new relational database containing the structured data element produced in said producing a structured data element (Fig. 2, page 4, paragraph [0074]).

19. As per dependent claim 8, Lemus teaches the claimed, the step of producing a file containing the structured data element produced in said producing a structured data element (Fig. 2, page 4, paragraph [0074]).

20. As per dependent claim 9, Friedman teaches the claimed, the step of producing a file having a format containing the structured data element selected from the group of XML, character separated values, spreadsheet formats and file-based database structures (Fig. 4, col. 12, lines 5-11). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Friedman's teachings would have allowed Lemus' method to provide a natural language processing techniques that provide structured data output that can be used for a variety of different applications across a variety of different computing platforms (col. 4, lines 40-43).

21. As per dependent claim 10, Lemus teaches the claimed, the structured data element produced by the performance of said producing includes reference information to the original free text for construed data (Fig. 2, page 2, paragraph [0016] and page 4, paragraph [0074]).

22. As per dependent claim 11, Lemus teaches the claimed, the step of constructing a library containing extracted attributes (Fig. 2, page 4, paragraph [0073]).

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23. As per dependent claim 12, Lemus teaches the claimed, the step of constructing a library containing extracted relational facts (Fig. 2, page 4, paragraph [0078-79]).

24. As per dependent claim 13, Lemus teaches the claimed, the step of combining like relation types (Fig. 2, page 4, paragraph [0073]).

25. As per dependent claim 14, Lemus teaches the claimed, the step of combining like attributes (Fig. 2, page 4, paragraph [0076]).

26. As per dependent claim 15, Lemus teaches the claimed, the step of coalescing the identified attributes (Fig. 2, page 4, paragraph [0078-79]).

27. As per dependent claim 16, Lemus teaches the claimed, the step of coalescing identified relation types (Fig. 2, page 4, paragraph [0078-79]).

Response to Arguments

28. Applicant's arguments filed on 11/19/2006 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's argument stated as "It is not an abstract mathematical idea, and therefore qualifies for patentability under section 101 of the Patent Act."

In response to Applicant's argument, Examiner disagrees, because claims are mere an abstract idea and they are not patentable, see MPEP 2106.01. The paragraphs have been revised for better understanding of Applicant.

b) Applicant's argument stated as "Friedman reveals that the 'parsing' taught in that patent is parsing of phrases."

In response to Applicant's argument, Examiner disagrees, because Friedman teaches parsing phrases and it does not mean it will not parse sentences. There is not patentable distinction between the prior art and the current invention. In response to applicant's argument that the claim "it is clause level and sentence level" see as stated in remarks section, page 9, paragraph one. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

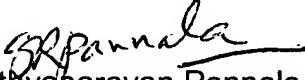
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Primary Examiner